

### Social Justice and Reservation

- The negative values which are made by the society results in inequality and Cleavation among people.
- Social power is the dominant phenomenon which leads to cut-throat competition and ends in Absolute control of the subjects.
- It is in order to protect the social identity, the dominant Communities endeavor to capture the power Sector.
- Among different communities in a plural society, dominance of a single Group is considered as unfair and unjust the dominant groups Activate racial, religious, Caste, lingual and cultural Feelings and intend to Misuse the social rights of other groups that may end in permanent Hostility between different groups.
- The Struggle that is undertaken by the weaker Groups in order to react for establishing Equal society is known to be Social Justice
- The ancient Indian Civilization had evolved with the “Varnashrama Dharma” which kick-Started the principle of Hierarchy i.e. Upper and Lower strata.
- The Varna System is also called as “Four Varna System” by which people were divided as Brahmins, Kshatriyas, Vsyas and Shudras.
- Those sections who have been beyond this Varna classification were categories as scheduled castes and scheduled Tribes.
- During the colonial period these depressed communities were classified as panchamas who were victims of Untouchability.
- This division on the basis of birth has been inculcated and socialized along different phases of civilization from which inequalities surfaced in the society.
- According to Indian Constitution, States which are having low technological Development or inadequate natural Resources can make their own special policies for holistic advancement.

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- In accordance with the existing constitutional provisions, the downtrodden and underprivileged Communities were provided with special Laws and privileges in all the states.
- Article 15(4) of Indian Constitution Obstacle in making special policy decisions for socially and educationally backward Communities or SC/ST people.
- Article 16(4) of Indian Constitution this will not prevent any sort of Appointment or reservation among Backward communities, if sufficient Representation is not provided.
- India is a Sub-tropical, sub-continent with varied Geographical atmosphere.
- People speak Different languages and follow unique hereditary values.
- Albeit of these factors, Inequality is existing due to the Varna System.
- It is in order to advance and develop the socio-economic conditions of the downtrodden communities; Indian Constitution is having its ideal guidelines with strong structural foundation.
- Need of special privileges we give our voice for justice.
- We have to understand the reasons.
- If opportunity is denied along with social identity, that is absolute injustice in a society.
- This creates inequality among the people.
- Regardless of caste, gender, religion and other differences, people should be provided with appropriate opportunities to prove their talent and capacities in the individual Life.
- In socio- political theories, the distinction between the difference among Individual and socio-cultural differences Existing among them is considered as an important aspect.
- Individuals should receive respect and reputation on the basis of their achievements and talents.
- It should not be on the basis of social identities.
- Inequalities and discriminatory practices which prevail in the society are artificial and are known as prejudices.

### **Just Distribution**

- Governments can and will enact Laws to facilitate the just distribution of Resources to individuals with in a society.
- Laws simply pave the way for the fair Distribution of resources.
- Law enforcing agencies may have to monitor the process of the distribution itself.

### **Distributive Justice and Retributive Justice**

- The substantial point of debate while studying the concept of Justice would be how the resources would be distributed to all section of the society.
- In order to understand this point more clearly let us dwell upon a few important perspectives on the issue of Justice.
- Equality of Resources, Common ownership theories and Entitlements are often referred while discussing Justice.

### **John Rawls Theory of Justice**

- John Rawls is considered as one of the finest political philosophers of 20<sup>th</sup> Century.
- He developed the theory of Justice Based on the paradigm called Justice as Fairness.
- His framework treats all personal Attributes as being morally arbitrary;
- Therefore, Justice for him demands equality.
- For him ‘all social values including liberty, Opportunity, income, wealth, and self-respect are to be distributed equally.
- In other Words, injustice is ‘simply inequalities that not to the benefit of all’.
- If/when any action/attribute of an individual that does not benefit all actually signifies inequality and unfair/unjust character of a society.
- This perspective compels us to have a more comprehensive understanding of Justice itself.

### **Affirmative Action**

- The principle of affirmative action is to promote societal equality through the preferential treatment of socially and economically disadvantaged people.



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- Often, these people are disadvantaged for Historical reasons, such as oppression or Slavery.
- Support for affirmative action has Sought to achieve a range of goals, bridging inequalities in employment and pay, Increasing access to education, enriching State, institutional, and professional Leadership with the full spectrum of Society, redressing apparent past wrongs, Harms, or hindrances and in particular Addressing the apparent social imbalance Left in the wake of slavery and slave laws.

### Status in Madras Presidency

- During the same period, Chennai Presidency came under the direct rule of British Empire.
- Laws like ‘Ryotwari’ were made.
- Moreover, tax collecting system was introduced.
- Further, military forces were also instigated.
- In 1835, English was declared as official and administrative Language in India.
- Indians were appointed in the British Indian military forces.
- Majority of the people who joined in military were Non-Brahmins and deprived communities.
- Although colonial British regime appointed Indians in military forces, it hesitated to permit Indian languages in the educational institutions.
- This untoward Situation remained same until the end of the 19<sup>th</sup> century.
- People who are fluent in English were appointed in these services.
- Apart from the Europeans, Anglo- Indians and Brahmins were appointed in all Government services.
- Due to the establishment of ‘Jamindari’ and ‘Ryotwari’ system in the Initial part of 19<sup>th</sup> century, ‘Landlords’, ‘Zamindars’ and other dominant groups Spearheaded in entire India.
- All the above said are “Caste Hindus”.

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- “Caste Hindus” domination in all villages greatly affected the villages and particularly, the downtrodden communities were kept Aside from the lands in all villages of India.
- In this connection, a British officer ‘Francis Ellis’ was appointed to submit the Status report regarding ‘Ryotwari System’.
- In similar way, another officer, ‘Thomas Munro’ also submitted a report related to the ‘Ryotwari System’.
- According to the Reports, ‘Lands which were tilled by lower Strata people, were illegally occupied and acquired by ‘Zamindars’ and ‘Landlords’ And thus caused quality-less farming and Low level of yields.
- It is also reported that Land Income Tax was also affected due to this acquisition.
- Moreover, the deprived and downtrodden communities were checked-out of their lands and also their Children denied admissions in the schools and other educational institutions.
- Preferential Rights for the Downtrodden In 1885, Madras Presidency Government declared financial assistance policies for the downtrodden communities and also the government oriented new Schools for the lower caste people.
- In the meantime, Tremancro, Collector of Chengalpet district submitted a report on the downtrodden communities of Chengalpet.
- **Those excerpts are:** People of downtrodden community were at low Level in all aspects, particularly social-Economic, educational spheres.
- Lands are denied for them.
- They were not permitted to build houses for their own.
- Educational opportunities were rejected.
- They are sold as slaves.
- Lots of lands are kept barren.
- Due to this, income for the government has been diminished.
- To increase the Income of the government, lands can be distributed to the people.

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- There were so many Recommendations present in the officers' Report.
- In 1892, this report was considered and accepted by the government.
- Accordingly, 12 lakh acres were distributed to the lower caste groups.
- These lands are called as "Panchami."
- Schools for lower caste groups are called as "Panchamer School".
- "Panchamer" means a person who are out of Varna System or excluded Communities.
- 'Ayothidasa' and 'Singaravela' opined that "Panchamer Schools" can be called as "Adidravidar" Schools.
- Since it is the traditional name Carved to the category.
- In 1854, court delivered direction that there may not be any restriction to admit children who belongs to lower Caste groups.
- The Caste Hindus and other dominant communities, however, didn't obey the judgment of the court Proceedings.
- In 1865, Secretary of state For India in British Parliament ordered for admission of children who belong to lower caste groups but the condition remains unchanged.
- British India in the end part of 19<sup>th</sup> Century supported Brahmin development in all spheres, whereas minorities were Denied opportunities in education, Society, power and employment sectors.
- The Non-Brahmins and minorities (lower caste) who studied in the modern educational institutions were dissatisfied with the government's biased stand.
- They demanded representation for lower caste Groups in government services.
- In 1891 the natives Travancore Kingdom submitted the Malayalee Memorial demanding adequate opportunities for native in employment.
- In 1896, 'Ezhava Memorial' demanded Adequate opportunity for 'Averna' (backward communities, in employment and education.
- Narayana Guru took intense efforts to organize victims of caste System and instated educational institution for them.



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- Even before such movements Arose in extreme son.
- In 1902, Kolhapur Raja Chatrapati Sahu for the first time Introduced reservation in governments jobs for non-Brahmins.
- Almost Simultaneously in the Mysore kingdom the ‘Miller Committee’ recommended Communal distribution of jobs.
- Those people who demanded for Appropriate representation are Ayothidasa, Singaravelar, Rettamalai Srinivasan, Pitti Theagarayar, Raja of Panagal and many others.
- Demands put forth by these people Were accepted in 1922.
- Community based Representation order was issued in all Departments of Madras Presidency. This order is called 128(2).
- The order has to be implemented in all parts of Chennai Presidency, declared the government.
- The efforts taken towards “education to all” in Tamil Nadu also spread over to other states of India.
- Leaders like Jyotirao Phule, Savithribai Phule took onerous Efforts in Maharastra for educating the Depressed and downtrodden communities.

### Justice Party

- There were more applications forwarded in 1913 to Royal Commission Which was headed by Alexander Cardow.
- Apart from Madras Presidency, Rangoon Thravi Association and others also submitted their application with demands to the commission.
- All Applications emphasized for appropriate representation in employment for Backward, downtrodden and religious Minorities.
- Dr. Natesan, Pitti. Theagarayar, T. M. Nair tried to submit and a report on the burning issue of the minorities and Low caste groups.
- P. Theagarayar has written and published it as “Non-BrahminManifesto” in December, 1916 in 1916, Pitti. Theagarayar, T. M.Nair and others started South Indian Liberal Federation for the welfare of The Non-Brahmin communities.

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- A Magazine “Justice” was also published by this federation to express their thoughts and ideas. Later on, this federation was popularly known as “Justice Party”.
- This movement spread out “communal representation for non-Brahmin in education, and employment Sectors.
- In 1915, Justice Party submitted a petition in which it condemned the Domination of English and Sanskrit in Higher education.
- Further they demanded to include Tamil and other languages in Higher education.
- In 1917, 54 Associations met the Representative members of British Empire and demanded “Fair Representation” for Non-Brahmin communities and other Minorities. Moreover, “Communal Representation” was demanded during multiple conferences.
- First Communal Representation order During the rule of Justice Party in Madras Presidency, the demand for communal representation reflected in vigorous manner.
- The prolonged Struggle for communal representation by Justice Party and wide support from the People propelled the central government to make resolution in this regard in 1921.
- This resolution, later on was called as Communal Representation Decree.
- It is the red lettered day in Indian History, lower caste groups, who were Suppressed and deprived of Social and Economical condition for many centuries had fullest confidence to lead their life with Self-respect and dignity by this decree.
- A resolution was submitted by Munusamy the member of legislative Assembly in Chennai.
- The Resolution Reads; Non-Brahmins with minimum educational qualification should be Provided with employment opportunity.
- Non-Brahmins specifically, Christians, Muslims and lower caste groups to be Appointed in all government services.
- For this, a permanent order should be legalized.



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- If salary is above Rs.100, this order should Be implemented for 7 years until it reaches 75% of the population.
- With regard to this resolution, R. K. Shanmugam stated that “If this historical and land mark Resolution is implemented, the future Generation may really appreciate our Truthful efforts towards emancipation”.
- In Supporting this view, Dr. C. Natesan voiced that “If fair representation is not provided for our people, we will not pay taxes”.
- Periyar, E. V. Ramaswamy, a staunch Supporter of congress party also eulogized the ideas of Justice Party, he expressed the same demand in Congress Party.
- In 1925, During the Kanchipuram Congress Party Conference, Periyar passed a resolution Regarding communal representation in Education and employment.
- Periyar came out of congress party, since his resolution was rejected by the high command.
- In 1928, during the leadership of R. Muthiah, (Justice Party), Communal representation was passed and implemented in all the Government departments.

### First Amendment

- In the aftermath of the effective implementation of Indian Constitution, in 1951, Mr. Senbagarajan filed a suit in the High Court; related to the denial of Medical Seats.
- He also mentioned that, Communal representation is the reason for the denial of his seat.
- The High Court gave its Verdict that Communal representation Decree is against the constitution and to be abandoned.
- In addition to that, Supreme Court also sided with the same Verdict.
- Reservation Policy on the basis of caste Was abandoned due to the Verdict. State wide protests erupted in Tamil Nadu against the Verdict. E. V. Ramasamy, demanded for an amendment in the constitution.

- It is due to efforts of Periyar, Tamil Nadu congress committee President Kamaraj, Prime Minister Jawarharlal Nehru and Ambedkar, an Amendment was made related with the Extension of Reservation Policy.
- This Was the first Amendment in the Indian Constitution.
- Due to this, backward and other communities retained the Opportunity of reservation
- According to articles 15 and 16 of Indian Constitution, “Socially and Economically backward people can be Provided with special privileges”.
- This Provision made Nehru to come with First Amendment in the Indian Constitution.
- Accordingly, sub-sections 15(4) and 16(4) were included in the constitution.
- After the Amendment, from 1951 onwards Backward Communities receive 25% and Lower Caste 16% respectively Due to reservation policy.
- Expansion of Reservation Under the **Chief Ministership of M. Karunanidhi, a commission was constituted under the chairmanship of Sattanathan to take into account on the welfare of backward community.**
- It is on the basis of the recommendations of Sattanathan commission, backward community got 31% and SC/ST received 18% as reservation in 1971.
- In 1979, Social Welfare Department of Tamil Nadu Government issued an order (MS No.1156, Dated 02.02.1979).
- According to this order, annual family Income of backward community was fixed As Rs.9,000/-. Later on, that order was Repealed.
- A new order was issued, in which Reservation for backward community was increased from 31% to 50% and for SC/ST it is 18%.
- To sum-up, 68% reservation came into effect in Tamil Nadu.
- In 1982, the Second Backward Classes Commission assigned by **the MGR government and headed by J. A. Ambasankar.**
- In continuum with this, in 1989, another suit filed in Supreme Court with Regard to allotment of separate reservation for Scheduled tribe (ST) community.

- In this case, Supreme Court of India Delivered the verdict by which, backward Community, most backward, scheduled Caste and scheduled tribes received 30%, 20%, 18% and 1% respectively.
- The entire Reservation was changed combinedly and 69% came into effect in Tamil Nadu.
- In 1992, the Supreme Court ruled in 1992 that the overall amount of reservations allowed should not exceed 50% as per Article 16(4).
- In 1993, the Tamil Nadu Backward Classes, Scheduled Castes, and Scheduled Tribes Bill, 1993 was passed by the Assembly (Act 45 of 1994). The Bill was sent to the President for his approval.
- Tamil Nadu government's Act be placed in the Constitution's Ninth Schedule
- The Tamil Nadu Reservation Act of 1994, which mandates 69 percent of seats in educational institutions and positions in state services, is listed in the Ninth Schedule to protect it from judicial review by the Constitution (Seventy-Sixth Amendment) Act of 1994.
- The composition of the 69% reservation in Tamil Nadu is the following: Backward Caste (BC) are eligible for 30% reservation (26.5% + 3.5% internal reservation for Muslims).
- BC Muslims were part of the BCs, but this was carved as a separate sub-category during 2007.
- Most Backward Caste (MBCs) are eligible for 20% reservations, Scheduled Castes in the state have 18% reservations, and Scheduled Tribes 1 %.



**Reservation Table in Tamil Nadu:**

Backward Class (BC)	BC - General	26.5%	30%	Backward Class
	BC - Muslims	3.5%		
Most Backward Class (MBC)	Most Backward Communities (MBC)	13%	20%	
	Denotified Community (DNC)	7%		
Scheduled Castes	Scheduled Castes (others)	15%	18%	
	only for (Arunthathiyar)	3%		
Scheduled Tribes	1% No Sub-Categories	1%		
Total Reservation Percentage			69%	

**Horizontal Reservation:**

- It refers to the equal opportunity provided to other categories of beneficiaries such as women, veterans, the transgender community, and individuals with disabilities, cutting through the vertical categories.
- Tamil Nadu government servants (conditions of services) act 2016 providing for not less than 4% of reservation for disabled persons.
- In 2021 Tamil Nadu government increases reservation for women in government jobs from 30% to 40 percentage.
- Tamil Nadu government provides 7.5% reservation to government school students on UG medical seats (NEET) on the basis of justice kalaiyaran committee report.
- Tamil Nadu government provides 7.5% is reservation to government school students for professional courses on the basis of justice murugesan committee report.

**Reservation in Central Government:**

- William Hunter and Jyotirao Phule in 1882 originally conceived the idea of caste-based reservation system.
- The reservation system that exists today, in its true sense, was introduced in 1933 when British Prime-Minister Ramsay Macdonald presented the ‘Communal Award’.
- The award made provision for separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans and the Dalits.
- After long negotiations, Gandhi and Ambedkar signed the ‘Poona Pact’, where it was decided that there would be a single Hindu electorate with certain reservations in it.
- After independence, initially reservations were provided only for SCs and STs.
- President of India appoints first backward class commission under the chairmanship of Kaka Kalelkar in 1953.
- OBCs were included in the ambit of reservation in 1991 on the recommendations of the Mandal Commission.
- The Committee Submitted the report in 1955.

**Mandal Commission:**

- In exercise of the powers conferred by Article 340 of the Constitution, the President appointed a backward class commission in **December 1978 under the chairmanship of B. P. Mandal.**
- The commission was formed to determine the criteria for defining India’s “socially and educationally backward classes” and to recommend steps to be taken for the advancement of those classes.
- The Mandal Commission concluded that India’s population consisted of approximately 52 percent OBCs, therefore 27% government jobs should be reserved for them.
- The commission has developed eleven indicators of social, educational, and economic backwardness.

- Apart from identifying backward classes among Hindus, the Commission has also identified backward classes among non-Hindus (e.g., Muslims, Sikhs, Christians, and Buddhists).
- It has generated an all-India other backward classes (OBC) list of 3,743 castes and a more underprivileged “depressed backward classes” list of 2,108 castes.
- The Report was Implemented by Prime Minister V. P. Singh.
- Later, Prime Minister Narasimha Rao Introduced 10% Reservation to Economically weaker Section (EWS)

### **Indra Sawhney v. Union of India (1992)**

- In Indra Sawhney v. Union of India (1992) case the court examined the scope and extent of Article 16(4).
- The Supreme Court while upholding the 27 percent quota for backward classes, struck down the government notification reserving 10% government jobs for economically backward classes among the higher castes.
- Supreme Court in the same case also upheld the principle that the combined reservation beneficiaries should not exceed 50 percent of India’s population.
- The concept of ‘**creamy layer**’ also gained currency through this judgment and provision that reservations for backward classes should be confined to initial appointments only and not extend to promotions.
- The Court has said that the creamy layer of OBCs should be excluded from the list of beneficiaries of reservation.
- Government Appointed the Ram Nandhan Committee in 1993 to identify the “Creamy Layer” Status among OBC’s.
- The Parliament responded by enacting the 77<sup>th</sup> Constitutional Amendment Act which introduced Article 16(4A).
- The article confers power on the state to reserve seats in favor of SC and ST in promotions in Public Services if the communities are not adequately represented in public employment.



**OBC Creamy Layer**

- For those not in government, the current threshold is an income of Rs 8 lakh per year.
- For children of government employees, the threshold is based on their parents' rank and not income.
- For instance, an individual is considered to fall within the creamy layer if either of his or her parents is in a constitutional post; if either parent has been directly recruited in Group-A; or if both parents are in Group-B services.
- If the parents enter Group-A through promotion before the age of 40, their children will be in the creamy layer.
- Children of a Colonel or higher-ranked officer in the Army, and children of officers of similar ranks in the Navy and Air Force, too, come under the creamy layer.
- Income from salaries or agricultural land is not clubbed while determining the creamy layer (2004).

**EWS Reservation**

- The Central Government of India recently introduced the EWS Reservation.
- 10% quota is provided for the Economically Weaker Sections (EWS) among General Category candidates in government jobs and educational institutions.
- This is done by adding clauses for the same in the Indian Constitution (103<sup>rd</sup> Constitution Amendment Act, 2019), by inserting Article 15(6) and 16(6) providing economical criteria.

**Reservation of seats in the Parliament**

- The Scheduled Castes (SC) and Scheduled Tribes (ST) have seats reserved in the Indian Parliament, state assemblies, and urban and rural-level organisations.
- Without a distinct electorate, all voters in a constituency elect these reserved members.

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- Members of the SC and ST community are not prohibited from running for a general (non-reserved) seat.
- The Indian Constitution established this system in 1950, with the intention of keeping it in place for the first ten years in order to secure political participation by groups that were considered weak, marginalized, under-represented, and in need of special protection.
- According to Article 330 of the Constitution of India and Section 3 of the Representation of the People Act of 1951, seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha are allocated based on the proportion of Scheduled Castes and Scheduled Tribes in the state based on the state's population.
- The Anglo-Indian group was the only one in India to have representatives in the Lok Sabha (lower house) of the Indian Parliament.
- Article 331 of the Constitution allows for the nomination of two Anglo-Indians to the Lok Sabha.
- Frank Anthony, the first and longest-serving president of the All India Anglo-Indian Association, obtained this authority from Jawaharlal Nehru.
- The President has the power to appoint two Anglo-Indians to the Lok Sabha according to this provision in the Constitution.

**104<sup>th</sup> Constitutional Amendment Act - 2020**

- This Act ceased the reservation of seats for Anglo-Indians in the Lok Sabha and State Legislative assemblies and extended reservations for SCs and STs for up to ten years.
- Article 243D provides reservation of seats for SCs and STs in every Panchayat.
- Article 233T provides reservation of seats for SCs and STs in every Municipality.

## Women's Reservation:

### Historical Background of Women's Reservation:

#### Pre-Independence Period:

- **National movement:** In 1931, three women's bodies wrote to the British Prime Minister requesting political reservation for women during the National Movement.
- **Government of India Act, 1935:** The Act granted women separate electorates but did not allocate seats in the legislature, thereby promoting political participation for women.
- **Constituent Assembly:** The debates addressed women's reservation, but it was rejected due to the belief that a democracy should ensure representation for all group

#### Post-Independence Period:

- **Committee of the Status of Women 1971:** The committee recommended the reservation of women in local bodies.
- **The National Perspective Plan for Women in 1988:** The plan suggested the reservation of women in local bodies.
- **Constitutional Amendments (1992):** The 73rd and 74th amendments to the Constitution mandates state governments to allocate one-third of seats for women in local bodies.

#### The current representation of women in Parliament:

- As of now, the Lok Sabha has only 82 women members, constituting 15% of its total strength.
- India has never seen a higher representation of women in its Parliament, even after over 70 years of electoral history.
- In the 2019 general election, the share of women candidates was a mere 9%.
- State Legislative Assemblies:
- The situation in state legislative assemblies is even bleaker, with only Tripura surpassing the 15% mark.



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- Over 20 states and Union Territories have less than 10% women representation, including Gujarat, Maharashtra, Andhra Pradesh, Kerala, Tamil Nadu, Telangana, and Karnataka.

### Background of the bill

- **81<sup>st</sup> Amendment Bill, 1996:** to allocate at least 1/3 of the total number of seats in the House of the People and State Legislative Assemblies for women.
- **84<sup>th</sup> Amendment Bill, 1998:** The proposed enactment aims to grant 15-year reservation for women in Lok Sabha, SLAs, and the National Capital Territory of Delhi.
- **85<sup>th</sup> Amendment Bill, 1999:** to ensure women's reservation in legislative bodies.
- **108<sup>th</sup> Amendment Bill 2008:** to allocate 1/3<sup>rd</sup> of all seats in Lok Sabha and SLAs to women, with the allocation of these seats to be determined by Parliament's prescribed authority.
- **128<sup>th</sup> Amendment Bill, 2023:** The 128<sup>th</sup> Constitutional Amendment Bill, 2023, known as the Nari Shakti Vandan Adhiniyam, proposes reserving one-third of seats in the Lok Sabha and State Assemblies for women.

### Key Provisions of the Bill

- **Reservation Percentage:** The Constitution (One Hundred and Twenty-eighth Amendment) Bill, 2023, proposes 33% reservation for women in Lok Sabha and state Legislative Assemblies.
- **Inclusion of Marginalized Groups:** The reservation also includes seats reserved for women belonging to Scheduled Castes and Scheduled Tribes.
- **Constitutional Amendments:** The Bill introduces new articles, 330A and 332A, in the Constitution specifically for Lok Sabha and state assemblies, respectively.
- **Duration of Reservation:** The proposed reservation will be in effect for 15 years from the commencement of the Act.
- **Dependence on Delimitation:** Implementation of the reservation is contingent upon the completion of the delimitation process.

### Reservation Cases

- The State of Madras v. Smt. Champakam Dorairajan (1951) case was the first major verdict of the Supreme Court on the issue of Reservation.
- The case led to the First amendment in the constitution.
- The Supreme Court in the case pointed out that while in the case of employment under the State, Article 16(4) provides for reservations in favour of backward class of citizens, no such provision was made in Article 15.
- Pursuant to the Supreme Court's order in the case the Parliament amended Article 15 by inserting Clause (4).
- In Indra Sawhney v. Union of India (1992) case the court examined the scope and extent of Article 16(4).
- The Court has said that the creamy layer of OBCs should be excluded from the list of beneficiaries of reservation, there should not be reservation in promotions; and total reserved quota should not exceed 50%.
- The Parliament responded by enacting 77 Constitutional Amendment Act which introduced Article 16(4A).
- The article confers power on the state to reserve seats in favour of SC and ST in promotions in Public Services if the communities are not adequately represented in public employment.
- The Supreme Court in M. Nagaraj v. Union of India 2006 case while upholding the constitutional validity of Art 16(4A) held that any such reservation policy in order to be constitutionally valid shall satisfy the following three constitutional requirements:
  - The SC and ST community should be socially and educationally backward.
  - The SC and ST communities are not adequately represented in public employment.
  - Such reservation policy shall not affect the overall efficiency in the administration.

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- In Jarnail Singh vs Lachhmi Narain Gupta case of 2018, Supreme Court holds that reservation in promotions does not require the state to collect quantifiable data on the backwardness of the Scheduled Castes and the Scheduled Tribes.
- The Court held that creamy layer exclusion extends to SC/STs and, hence the State cannot grant reservations in promotion to SC/ST individuals who belong to the creamy layer of their community.
- In May 2019 the Supreme Court upheld the Karnataka law that allows reservations in promotions for SCs and STs with consequential seniority.
- In 2022 The Supreme Court in a majority judgment on Monday upheld the validity of the Constitution's 103rd Amendment Act 2019, which provides for 10 percent EWS reservation amongst the general category, and observed that it does not violate essential features of the constitution.
- A five-judge Constitution bench in a 3:2 upheld the validity of the Constitution's 103<sup>rd</sup> Amendment Act 2019.